

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JING GAO, ALVIN RABSATT,
BARRY NIXON, PATRICIA NIXON,
KATHERINE PIERCE, ARTHUR
PIERCE, MADISON LOWE, and
IOLANDA LOWE, on behalf of
themselves and all others similarly
situated,

VS.

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CIVIL ACTION NO. 3:16-cv-00323

BLUE RIDGE LANDFILL TX, LP

**JOINT MOTION TO ADJOURN ALL DATES IN FIRST AMENDED DOCKET
CONTROL ORDER**

Defendant Blue Ridge Landfill TX, LP, and Plaintiffs Jing Gao, Alvin Rabsatt, Barry Nixon, Patricia Nixon, Katherine Pierce, Madison Lowe, and Iolanda Lowe (collectively “the Parties”) hereby request that the Court vacate all dates in the First Amended Docket Control Order ([Dkt. No. 34]) and in support thereof, would respectfully show as follows:

1. The First Amended Docket Control Order (“DCO”) bifurcates this case into separate stages for class certification discovery and briefing and a subsequent merits stage.
2. The DCO contains dates for the completion of class certification discovery, the identification of the parties’ experts, and Plaintiffs’ motion for class certification.
3. The Parties have made all efforts to conduct discovery in the time allotted by the DCO.

However, due to a number of circumstances including Hurricane Harvey, regulatory limitations on access to documents, and the parties’ unsuccessful efforts to resolve the case through mediation, the Parties anticipate that they will be unable to complete

discovery within the timeframe anticipated by the DCO.

4. The Parties are continuing to conduct discovery on an aggressive timeline, with document inspection and a corporate designee deposition scheduled for the week of December 4, 2017.
5. An initial conference is currently set for January 18, 2018 at 10 AM. ([Dkt. No. 38]).
6. The Parties request that the Court vacate all dates in the scheduling order until the time of the initial conference. The Parties will propose a new timeline at the initial conference to facilitate the completion of class certification discovery and briefing.

Dated: November 30, 2017

Respectfully submitted,

GILMAN *ALLISON LLP

/s/ Brenton J. Allison

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**Pro Hac Vice Motions to be Submitted*

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing is being served on all counsel of record on this 30th day of November, 2017, by electronic service through email service.

/s/ Brenton J. Allison
Brenton J. Allison